

JUDGE LEE H. ROSENTHAL
September 2004

**THE ATTACHED MUST BE SERVED
WITH THE SUMMONS AND COMPLAINT
OR REMOVAL PAPERS**

These procedures and attachments apply to cases assigned to Judge Rosenthal.

Plaintiff must serve these materials and the Order for Conference on all defendants with the summons and complaint.

A party removing a case to this court has the same obligation as a plaintiff filing an original complaint. Proof of service of these materials must be filed with the Clerk. A form of certificate for use in removed cases is attached at the end of these materials. A directory of telephone numbers for the Southern District of Texas, Houston Division is also attached.

The accompanying procedures are to be used in conjunction with the Local Rules and not as a substitute for them.

MICHAEL N. MILBY, CLERK

By _____
Lisa Eddins
Case Manager to
JUDGE LEE H. ROSENTHAL

JUDGE LEE H. ROSENTHAL
United States Courthouse
515 Rusk Street, Room 11535
Houston, Texas 77002
(713) 250-5980 (Telephone)
(713) 250-5213 (Fax)

Lisa Eddins, Case Manager
United States District Clerk
Post Office Box 61010
Houston, Texas 77208
(713) 250-5517 (Telephone)
(713) 250-5213 (Fax)
lisa_eddins@txs.uscourts.gov (e-mail)

COURT PROCEDURES

1. Contact with Court Personnel
2. Emergencies
3. Continuances
4. Appearances
5. Motion Practice
6. Briefs
7. Initial Pretrial Conferences and Scheduling Order
8. Required Pretrial Materials
9. Trial Settings
10. Exhibits
11. Equipment
12. Courtroom Procedures
13. Voir Dire
14. Depositions
15. Settlements and Orders of Dismissal

1. CONTACT WITH COURT PERSONNEL

- A. Case-related telephone or e-mail inquiries should be made to the case manager, Lisa Eddins. The telephone number is 713-250-5517; the e-mail address is lisa_eddins@txs.uscourts.gov. Inquiries should not be made to the court's secretary or law clerks.
- B. The case load will not allow the case manager to respond to casual telephone inquiries about motions and case status generally. Inquiries regarding motions, status of the case, and similar matters should be in writing unless time does not permit.
- C. Information about the filing of documents, entry of orders, or docket entries should be obtained from the United States District Clerk's Office, at telephone number (713) 250-5115.
- D. Case management correspondence should be addressed to:

Lisa Eddins
Case Manager to Judge Lee H. Rosenthal
United States District Clerk
Post Office Box 61010
Houston, Texas 77208
E-mail: lisa_eddins@txs.uscourts.gov
- E. Do not address substantive issues in letters because letters are not docketed or included in the appellate record.
- F. Copies of urgent motions or documents that require prompt court attention may be sent to chambers, as well as to the clerk's office, with a transmittal letter that states why the court's prompt attention is required.
- G. Counsel are encouraged to register with the court's case based e-mail system, called E-Court, www.txs.uscourts.gov. Please contact attorney admissions to register to use the court CM/ECF system.

2. EMERGENCIES

- A. Applications for restraining orders or for other immediate relief are to be made through the case manager. Counsel must inform the case manager if the opposing party has been contacted and whether both parties can be available for a conference before the court. The court will not consider *ex parte* applications for restraining orders unless the requirements of Fed. R. Civ. P. 65(b) have been satisfied.
- B. Motions for extension of deadlines are generally not emergencies.

3. CONTINUANCES

- A. Joint motions for continuances are not binding and will be granted at the court's discretion.
- B. Vacation requests will be respected if presented well in advance of a court setting.
- C. A trial will generally not be continued because of the unavailability of a witness. Counsel are expected to anticipate such possibilities and should be prepared to present testimony by written deposition, videotaped deposition, or by stipulation.

4. **APPEARANCES**

- A. An attorney or *pro se* litigant who appears at a hearing or conference must
 - (1) be familiar with the case,
 - (2) have authority to bind the party, and
 - (3) be in charge for that appearance.
- B. If out-of-town counsel wish to participate in a conference by telephone, a written request should be made to the case manager as far as reasonably possible before the date of conference. The court will attempt to accommodate such requests.
- C. Counsel or a *pro se* litigant must notify the case manager immediately of the resolution of any matter that is set for trial or hearing.

5. **MOTION PRACTICE**

- A. The court follows the written motion practice described in the local rules. Most motions will be ruled on without an oral hearing. The court will consider the motion and response after the submission date.
- B. A submission date may be extended by agreement of counsel except when the extension violates a court-imposed deadline. Counsel should immediately notify the case manager, in writing, of such an agreement. If you have pending motions as to which the submission date has passed and the motions require resolution on an expedited basis or by a certain date, please advise the court in writing, setting out the reasons the motion requires prompt attention, such as an approaching docket call.
- C. Most discovery disputes, especially those dealing with: (1) scheduling; (2) the number, length, or form of oral or written questions; (3) the responsiveness of answers to oral or written questions; (4) the location of depositions; and (5) the mechanics of document production should be resolved by counsel without the court's involvement.

- D. The court will not hear any discovery motions unless both of the following steps occur first:
1. The party wishing to make any discovery motion must arrange for a conference with the court before the preparation and submission of any motion papers. Call, e-mail, or, preferably, fax Mrs. Eddins and opposing counsel to arrange for a premotion conference. Mrs. Eddins's telephone number is (713) 250-5517; the e-mail address is lisa_eddins@txs.uscourts.gov; the fax number is (713) 250-5213. To the extent that the proposed motion can be disposed of on oral presentation at the conference, this will be done. If written submissions are necessary, the issues to be addressed and a schedule for briefs will be set in the conference.
 2. The moving counsel must advise the court, in writing, that counsel have conferred in a good faith effort to resolve the matters in dispute but are unable to reach an agreement, or the reason that moving counsel has been unable to confer.
- E. Motions for extension of discovery must be filed far enough in advance of the deadline to enable opposing counsel to respond before the deadline.
- F. Requests for oral argument on motions are not necessary. The case manager will notify counsel if the court determines that oral argument would be beneficial.
- G. Discovery and other pretrial motions may be referred to a magistrate judge.
- H. The court will rule on motions as soon as practicable. Counsel will be furnished with copies of orders.

6. **BRIEFS**

- A. Any brief or memorandum is limited to 25 pages unless counsel obtains leave of court for longer submissions. All briefs and memoranda must contain items (3), (4), (6), and (7) from the list below. Any brief or memorandum that has more than 10 pages of argument must contain all of the following items:
- (1) A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum.
 - (2) A table of citations of cases, statutes, rules, textbooks, and other authorities, alphabetically arranged.
 - (3) A short statement of the nature and stage of the proceeding.
 - (4) A statement of the issues to be ruled on by the court and a short statement, supported by authority, of the standard of review for each issue.

- (5) A short summary of the argument.
 - (6) Informative headings identifying separate sections of the argument.
 - (7) A short conclusion stating the precise relief sought.
 - (8) Counsel is encouraged to include a hyperlink to cases cited in briefs filed by CM/ECF procedure.
- B. Any brief, memorandum, or motion that cites authorities not found in the United States Code, United States Supreme Court Reporter, Federal Reporter, Federal Supplement, Southwestern Reporter Second or Vernon's Revised Statutes and Codes Annotated should have attached as an appendix copies of the relevant parts of authorities other than cases and complete copies of cases. Copies of any affidavits, deposition testimony, or other discovery referred to should also be contained in the appendix. All appendices should contain a paginated table of contents and should be tabbed at the right margin so the materials can be easily located.

7. INITIAL PRETRIAL CONFERENCES AND SCHEDULING ORDERS

Refer to Local Rule 16.1 and the court's Order for Conference. Counsel will prepare and file a joint Discovery/Case Management Plan in the form provided before the initial pretrial conference.

A form of Scheduling and Docket Control Order is attached. The parties may agree on deadlines for completion of pretrial matters and bring a proposed Scheduling and Docket Control Order with them to the initial pretrial conference. The Scheduling and Docket Control Order will control the subsequent course of the case and will not be modified except by leave of this court upon a showing of good cause.

If new parties are joined after the Scheduling and Docket Control Order is entered, the party causing such joinder must provide copies of all orders previously entered in the case, along with the Scheduling and Docket Control Order and the court's procedures manual, to the new parties.

8. REQUIRED PRETRIAL MATERIALS

A. Joint Pretrial Order

The plaintiff is responsible for ensuring that the complete Joint Pretrial Order is filed on time. A form Joint Pretrial Order is attached. Follow the form, adapting it within reason to the size and type of case. Joint Pretrial Orders must be signed by all counsel and parties appearing *pro se*.

B. Other Required Documents

With the filing of the pretrial order, each party must also file two copies of the following:

(1) For All Trials and Evidentiary Hearings:

- a. Exhibit list
- b. Objections to exhibits
- c. Witness list

(2) For Jury Trials

- a. A **single** proposed jury charge, including all instructions, definitions, and questions.

Each requested instruction, definition, and question must be numbered and presented on a separate sheet of paper with authority.

Even if the parties, in good faith, cannot agree on all instructions, definitions, or questions, the parties will nonetheless submit a single charge. Each disputed instruction, definition, or question is to be set out in bold type, or italics, or underlined, and identified as disputed. Each disputed item should be labeled to show which party is requesting the disputed language. Accompanying the charge will be all authority on which the offering or opposing party relies.

The charge must also be submitted on a 3 ½ inch diskette compatible with Corel WordPerfect 9 word processing.

- b. Memorandum of law.

(3) For Non Jury Trials

- a. Proposed findings of fact and conclusions of law.
- b. Memorandum of law.

9. **TRIAL SETTINGS**

- A. The court holds docket call the last Friday of each month. Unless counsel are notified to the contrary, the court will use docket call as a final pretrial conference. All pending motions may be ruled on at docket call. The court maintains a two-week trailing docket during which a case is subject to call to trial on 48 hours telephone notice.
- B. Unless an attorney has actually begun trial in another court, prior trial settings will not cause a case to be continued or passed after the court has set it for trial.
- C. If a case is not reached for trial when set, it will be reset as soon as practicable.

10. **EXHIBITS**

- A. All exhibits must be marked and exchanged among counsel *before* trial. The offering party will mark his own exhibits with the party's name, case number, and exhibit number on each exhibit to be offered.
- B. Any counsel requiring authentication of an exhibit must notify offering counsel in writing within five (5) business days after the exhibit is identified as a trial exhibit and made available for examination. Failure to do so is an admission of authenticity.
- C. The court will admit all exhibits listed in the Joint Pretrial Order into evidence unless opposing counsel files written objections supported by authority at least three (3) business days before trial.
- D. Counsel will not pass exhibits to the jury during trial without obtaining permission in advance from the court. All admitted exhibits will go to the jury during its deliberations.
- E. Counsel for each party is required to provide the court with a copy of that party's exhibits in a properly tabbed and indexed notebook.
- F. Counsel should become familiar with the local rule regarding disposition of exhibits following trial.

11. **EQUIPMENT**

- A. Counsel tables are equipped with laptop capabilities for presentation through the projector and Elmo systems. Monitors are provided on all counsel tables, as well as the witness stand and in the jury box. A standard size VCR is available for use. Counsel is required to use speakers with the laptop computer when sound is part of the presentation.

- B. Counsel must make advance arrangements with the case manager to bring equipment that is necessary and not provided by the court.

12. COURTROOM PROCEDURES

- A. **Hours:** The court's hours during trial will vary depending on the type of case and the needs of the parties, counsel, witnesses, and the court. Court will normally convene at 9:00 a.m. and adjourn at 5:00 p.m., recessing for lunch between 12:00 p.m. and 1:15 p.m.
- B. **Access at Other Times:** Counsel needing access to the courtroom to set up equipment or exhibits outside normal hours must arrange in advance with the case manager to have the courtroom open.
- C. **Telephones:** Telephone messages will **not** be taken by the judge's staff. Cell phones must be turned off in the courtroom.
- D. **Filing of Documents:** Two copies of documents filed immediately before and during trial should be submitted to the case manager, as well as filed on the court CM/ECF system.
- E. **Attorney Conference Rooms:** Attorney conference rooms are available upon request to the judge's secretary. A key will be given to counsel by the secretary for use throughout the trial, and counsel will be responsible for clearing the room of all materials and returning the key to the secretary at the conclusion of the trial.
- F. **Decorum:**
 - (1) Counsel and parties will comply with the local rule regarding courtroom behavior.
 - (2) Counsel will ensure that all parties and witnesses refrain from chewing gum, drinking, eating, smoking, or reading newspapers, books, etc. in the courtroom. Telephone beepers, pagers, or cell phones must be turned off in the courtroom.
- G. **Witnesses:**
 - (1) Counsel are responsible for summoning witnesses into the courtroom and instructing them on courtroom decorum. Counsel may question witnesses either from counsel table or a podium. Counsel may conduct opening statements and closing arguments either from a lectern, standing before the jury, or facing the court.

- (2) Counsel will make every effort to elicit from the witnesses only information relevant to the issues in the case and to avoid cumulative testimony.
- (3) Counsel should bear in mind the court's hours and arrange for witnesses accordingly. The court will not recess to permit counsel to call a missing witness unless he or she has been subpoenaed and has failed to appear.

H. **Seating:**

- (1) In civil cases, seating at counsel tables is generally determined on a first-come, first-served basis on the first day of trial.
 - (2) Enter and leave the courtroom only by the front doors; do not use the court's entrance or the side entrances.
- I. While the jury is deliberating, counsel are to be available promptly for jury notes or a verdict.
- J. After the jury and counsel are excused, counsel may not contact jurors unless otherwise permitted by the court.

13. **VOIR DIRE**

The court will conduct a preliminary examination of the jury panel. Following the court's examination, each side may be allowed briefly to examine the panel. Proposed voir dire questions must be submitted as part of the Joint Pretrial Order.

14. **DEPOSITIONS**

- A. The court will accept the parties' agreement to use a deposition at trial even though the witness is available; otherwise, follow Fed. R. Civ. P. 32.
- B. Before trial, counsel must provide the case manager with a copy of any deposition to be used at trial.
- C. Counsel will designate the portions of any deposition to be read or shown by videotape by citing pages and lines in the Joint Pretrial Order. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three (3) business days before trial.
- D. Use of videotaped depositions is permitted if counsel edit to resolve objections and incorporate the court's rulings on objections.

- E. In a *bench trial*, counsel will offer the entire deposition as a trial exhibit. In addition, counsel must attach to the front of the deposition exhibit a summary of what each party intends to prove by such testimony.

15. **SETTLEMENTS AND ORDERS OF DISMISSAL**

A. **Settlements**

- (1) Counsel are promptly to notify the case manager of a settlement of any case set for conference, hearing, or trial.
- (2) Announcement of settlement must be followed by the closing papers within thirty days.
- (3) Upon settlement of a suit involving a minor plaintiff, counsel will jointly move for appointment of a guardian ad litem if there is a potential conflict of interest between the parent(s) and the minor. If counsel cannot agree on a guardian ad litem, each counsel will submit the names of three proposed ad litem, and the court will appoint a guardian ad litem. With the motion for appointment, counsel will notify the case manager by letter and request a settlement conference.

B. **Orders of Dismissal**

Any defendant on whom service has not been perfected within 120 days after the complaint is filed will be dismissed for want of prosecution in accordance with Fed. R. Civ. P. 4.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. H-_____
	§	
	§	
	§	
Defendant(s).	§	

JOINT PRETRIAL ORDER

Appearance of Counsel

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief statement of the case for the information of the court and/or jury which the court may read to the jury panel to see if the panel is acquainted with the facts of, or parties to, the case. Include names, dates, and places.

Jurisdiction

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motions

List any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts that require no proof.

Contested Issues of Fact

List all factual issues in controversy necessary to the final disposition of this case.

Agreed Applicable Propositions of Law

State the legal propositions not in dispute.

Contested Issues of Law

State briefly the disputed issues of law. A memorandum of authorities should be filed which addresses these issues.

Exhibits

Each party will attach to this Joint Pretrial Order two copies of a list in the form shown by attachment A (or a similar form) of all exhibits expected to be offered. Each party will make the exhibits available for examination by the opposing parties. This rule does not apply to rebuttal exhibits, which cannot be anticipated.

All parties requiring authentication of an exhibit must notify the offering counsel in writing within five business days after the exhibit is listed and made available to opposing parties. Failure to do so is an admission of authenticity.

The court will admit all exhibits listed in the final Joint Pretrial Order into evidence unless the opposing parties file written objections with authorities at least three business days before trial.

The offering party will mark his own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit.

Witnesses

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three business days before trial.

Each party will also attach to the Joint Pretrial Order two copies of a list of witnesses' names for use only by court personnel.

Include in this section the following statement:

"In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial."

Settlement

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph:

- (a) whether the trial will be jury or non-jury;
- (b) the probable length of trial;
- (c) the availability of witnesses; and
- (d) any foreseeable logistical problems.

Additional Required Attachments

For Jury Trials include two copies of:

- (a) proposed questions for the voir dire examination.
- (b) a single, joint proposed jury charge, including all instructions, definitions, and questions, separately numbered and presented on a separate sheet of paper with authority. If there are instructions, definitions, or questions as to which the parties cannot agree, the disputed language shall be set out in bold type, italics, or underlined; identified as disputed; and labeled to indicate which party is requesting the disputed language. The charge must also be submitted on a 3 ½ inch diskette compatible with Corel WordPerfect 9 word processing.
- (c) memorandum of law.

For Non-Jury Trials include two copies of:

- (a) proposed findings of fact and conclusions of law; and
- (b) memorandum of law

Date

LEE H. ROSENTHAL
UNITED STATES DISTRICT JUDGE

APPROVED:

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. H-_____
	§	
	§	
	§	
Defendant(s).	§	

**SCHEDULING AND
DOCKET CONTROL ORDER**

The disposition of this case will be controlled by the following schedule:

1.

MOTIONS TO ADD NEW PARTIES

The attorney causing the addition of new parties will provide copies of this Order to new parties.
2.

AMENDMENTS TO PLEADINGS

All parties may amend before this deadline without filing a motion.
- 3a.

EXPERTS

Plaintiff (or the party with the burden of proof on an issue) will designate expert witnesses in writing and provide the report required by Rule 26(a)(2) of the Federal Rules of Civil Procedure.
- 3b.

The opposing party will designate expert witnesses in writing and provide the report required by Rule 26(a)(2) of the Federal Rules of Civil Procedure
4.

MEDIATION/ADR

The parties are to file a joint status report with the court stating whether mediation or other form of ADR would be helpful. If not, the parties are to state the reasons in detail. If so, the parties are to state the form of ADR they think will best suit the case; whether they wish to select a mediator and, if so, who they have agreed to select; when they want to mediate; and any other information relevant to the entry of a court order on mediation/ADR.

5. _____ **COMPLETION OF DISCOVERY**
Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.
6. _____ **PRETRIAL MOTIONS DEADLINE**
No motion shall be filed after this date except for good cause.
7. _____ **JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE**
The Joint Pretrial Order will contain the pretrial disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with applicable rules.
8. _____ **DOCKET CALL**
Docket Call will be held at 2:00 p.m. in Courtroom 11-B, United States Courthouse, 515 Rusk, Houston, Texas. No documents filed within seven (7) days of the Docket Call will be considered. All pending motions may be ruled on at docket call, and the case will be set for trial.

Signed on _____, at Houston, Texas.

Lee H. Rosenthal
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. H-_____
	§	
	§	
	§	
Defendant(s).	§	

**JOINT DISCOVERY/CASE MANAGEMENT PLAN
UNDER RULE 26(f)
FEDERAL RULES OF CIVIL PROCEDURE**

Please restate the instruction before furnishing the information.

1. State where and when the meeting of the parties required by Rule 26(f) was held, and identify the counsel who attended for each party.
2. List the cases related to this one that are pending in any state or federal court with the case number and court.
3. Briefly describe what this case is about.
4. Specify the allegation of federal jurisdiction.
5. Name the parties who disagree and the reasons.
6. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.
7. List anticipated interventions.
8. Describe class action issues.
9. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.
10. Describe the proposed agreed discovery plan, including:
 - A. Responses to all the matters raised in Rule 26(f).
 - B. When and to whom the plaintiff anticipates it may send interrogatories.

- C. When and to whom the defendant anticipates it may send interrogatories.
 - D. Of whom and by when the plaintiff anticipates taking oral depositions.
 - E. Of whom and by when the defendant anticipates taking oral depositions.
 - F. When the plaintiff (or the party with the burden of proof on an issue) will be able to designate experts and provide the reports required by Rule 26(a)(2)(B), and when the opposing party will be able to designate responsive experts and provide their reports.
 - G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
 - H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).
- 9. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.
 - 10. Specify the discovery beyond initial disclosures that has been undertaken to date.
 - 11. State the date the planned discovery can reasonably be completed.
 - 12. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in your Rule 26(f) meeting.
 - 13. Describe what each party has done or agreed to do to bring about a prompt resolution.
 - 14. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.
 - 15. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.
 - 16. State whether a jury demand has been made and if it was made on time.
 - 17. Specify the number of hours it will take to present the evidence in this case.
 - 18. List pending motions that could be ruled on at the initial pretrial and scheduling conference.
 - 19. List other motions pending.
 - 20. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the court at the conference.

21. Certify that all parties have filed the Disclosure of Interested Persons as directed in the Order for Conference and Disclosure of Interested Persons, listing the date of filing for original and any amendments.
22. List the names, bar numbers, addresses and telephone numbers of all counsel.

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§	
	§	CA/CR NO.
	§	
v.	§	<u>LEE H. ROSENTHAL</u>
	§	JUDGE
	§	
	§	<u>Lisa Eddins</u>
	§	COURTROOM CLERK COURT REPORTER
	§	
	§	PROCEEDING

EXHIBIT LIST OF

NO.	DESCRIPTION	OFFR	OBJ	DATE	
				ADMIT	N/ADM
1					
2					
3					
4					
5					
6					
7					
8					
9					

**NOTICE OF THE RIGHT TO CONSENT TO THE
DISPOSITION OF A CIVIL CASE BY A MAGISTRATE JUDGE**

Upon the consent of all the parties, the United States magistrate judge of this court may conduct all proceedings in a civil case, including a jury trial and entry of a final judgment. Consent forms are available from the Clerk or the Clerk' s website at www.txs.uscourts.gov.

Your decision to consent to the referral of your case referred to a United States magistrate judge is entirely voluntary and should be communicated solely to the Clerk. Only if all the parties consent will either the district judge or magistrate judge be informed of your decision.

The district judge to whom your case is assigned must approve the reference of the case to a magistrate judge.

At the time of consenting to trial by a magistrate judge, a choice must be made between an appeal (a) to the court of appeals or (b) to a district judge.

Michael N. Milby, Clerk
United States District Court
Southern District of Texas

versus§
§
§
§
§
§
§

CIVIL ACTION

Consent to Proceed Before a Magistrate Judge

All parties to this case waive their right to proceed before a district judge and consent to have a United States Magistrate Judge conduct all further proceedings, including the trial and judgment. 28 U.S.C. § 636(c).

Order to Transfer

This case is transferred to United States Magistrate Judge

to conduct all further proceedings, including final judgment.

Date

United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

_____	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. H-_____
	§	
_____	§	
	§	
Defendant(s).	§	

CERTIFICATE OF SERVICE IN REMOVED ACTION

I certify compliance with the court's Order entered upon filing of the petition for removal of this action.

On _____, 20__, I served copies of the Order for Conference and Court Procedures on all other parties.

Date

Attorney for Defendant(s)

**DIRECTORY
OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FOR INFORMATION REGARDING THE FOLLOWING:	CALL
ADMISSION OF ATTORNEYS	250-5492
APPEALS	250-5529
BAIL BONDS, DISBURSEMENT	250-5546
BILL OF COSTS	250-5525
CIVIL DOCKET COORDINATION CENTER	250-5787
CASE MANAGERS TO DISTRICT JUDGES:	
Lynn N. Hughes	250-5516
David Hittner	250-5511
Kenneth Hoyt	250-5515
Sim Lake	250-5514
Melinda Harmon	250-5518
John D. Rainey	250-5571
Ewing Werlein, Jr.	250-5533
Lee H. Rosenthal	250-5517
Vanessa D. Gilmore	250-5512
Nancy F. Atlas	250-5407
CASE MANAGERS TO U.S. MAGISTRATE JUDGES:	
Calvin Botley	250-5536
Frances Stacy	250-5565
Nancy K. Johnson	250-5534
Stephen Smith	250-5129
Mary Milloy	250-5158
CLOSED CASES (Civil)	250-5543
COPY REQUESTS	250-5543
COURT REPORTERS	250-5522
CRIMINAL CASES (Open & Closed)	250-5543
EXHIBIT RETRIEVAL	250-5543
FILE ROOM	250-5543
FINANCIAL SECTION	250-5414
INTERPRETERS	250-5568
JURY	250-5528
LOCAL RULES	250-5525
MAGISTRATES (See Case Managers)	
MONITION	250-5525
NATURALIZATION	250-5553
PRISONER RELATED CASES	250-5402
SERVICE OF PAPERS	250-5525
STATISTICAL INFORMATION	250-5535
SUMMONS	250-5525
TRANSCRIPTS	250-5499
WARRANT OF SEIZURE	250-5525
XEROX COPIES	250-5543

E-MAIL COMMUNICATIONS FOR CASE MANAGEMENT INQUIRIES

Counsel may use e-mail to receive and make case-management inquiries to Judge Rosenthal's case manager, Mrs. Lisa Eddins. Please note that e-mail communications are only for case management matters, such as the date and time of a hearing; the need for a pre-motion discovery conference; or counsel's desire to appear by telephone, rather than in person. E-mail communications are not presently available for lawyers to file documents, for the court to send orders, or for substantive inquiries on cases. E-mail communications are not docketed and do not become part of the court's file.

If you wish to receive and respond to case-management inquiries from Mrs. Eddins by e-mail, please contact attorney admissions for specific instructions about registration in the court based e-mail system E-Court, or visit our website at www.txs.uscourts.gov. Mrs. Eddins's e-mail is lisa_eddins@txs.uscourts.gov. The Southern District of Texas implemented CM/ECF systems in September 2004. Counsel is encouraged to contact attorney admissions or visit the Clerk's website for specific instructions and training opportunities to participate in CM/ECF.